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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-34784-2023
Date of decision : 16.01.2024

CHARAN SINGH @ KALAPetitioner

Versus

STATE OF HARYANARespondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Rajesh Duhan, Advocate
for the petitioner.

Mr. A.K. Sehrawat, DAG, Haryana.

PANKAJ JAIN, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case F.I.R. No.513 dated 30.11.2021 registered for the offences punishable under Sections 392, 397 of the IPC and Section 25 of Arms Act (during investigation Sections 307, 394, 212, 201, 412 IPC added later on) at Police Station Ladwa, District Kurukshetra (Haryana).

2. Custody Certificate of the petitioner has been produced. The same is taken on record.

3. As per the contents of the FIR it was alleged as under :

“xxxI Ashok Bhatia S/o Shri Bharat Bhushan Bhatia. I do iron work on Bahain Road, while we were sitting in the wagon car bearing No. HR0719959 which is parked in front of shop, after

closing the shop at 6:12 PM in the evening on dated 30.11.2021. My son had a handbag in his hand which had around 4,70,000/- in it. Two persons came from both the sides from the opposite direction, Both of them snatched bag from us on the pretext of Katta, that they snatched bag from us and ran away. We fought with them and one person threatened me and also fired shot at me and we also caught one person he ran away after getting rid of us. I can identify the person to whom I caught. Sd/-xxx”

4. The petitioner as per the custody certificate has suffered incarceration for more than 2 year, 1 month and 6 days by now. The trial has already proceeded considerably as 15 out of 29 cited witnesses stand examined. The complainant Ashok Bhatia as well as the other eye-witness namely Aayush Bhatia also stand examined but they claimed to have not supported the prosecution. However, the evidence against the petitioner is stated to be in the form of CCTV footage. The veraisity thereof is yet to be ascertained during the course of trial.

5. State Counsel is not in position to dispute the aforesaid factual assertions made by counsel for the petitioner which are based on record.

6. I have heard counsel for the parties and have gone through records of the case.

7. Without commenting on the merits of the case, keeping in view the incarceration suffered by the petitioner and the fact that the complainant has not supported the case of the prosecution, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Duty

Magistrate concerned.

8. Needless to say that anything observed hereinabove shall not
be construed to be an expression of opinion on the merits of the case.

January 16, 2024		(Pankaj Jain)
Dpr		Judge
	Whether speaking/reasoned	: Yes/No
	Whether reportable	: Yes/No